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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,622	01/22/2004	William Wesley Jenkins	CCS-102/Clarity CSI FlexA	5053

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EXAMINER	
WIN, AUNG T	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/762,622	JENKINS ET AL.	
	Examiner	Art Unit	
	Aung T. Win	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-11,20,22,24-30,32,34-39,45 and 46* is/are pending in the application.

4a) Of the above claim(s) *6,12-19,21,23,31,33 and 40-44* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11,20,22,24-30,32,34-39,45 and 46* is/are rejected.

7)☒ Claim(s) *1* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/19/2007 has been entered.

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1 is amended as transmitting from the first mobile terminal a first control message **to a** representing an instruction to implement selectable acceptance of future incoming calls to the first mobile terminal in Line 7 of Claim 1. It appears to examiner that communication application server is unintentionally stroked out. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 20 recites the limitation "the stored initial voice message". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-4 & 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US200401041593A1) in view of Dahod et al. US (US 20040224678A1).

1.1 Regarding Claim 1, Simpson discloses a method implemented by a push-to-talk wireless mobile terminal for communicating voice information comprising the steps of: determining if a first input from a user of a first mobile terminal is made requesting that selectable acceptance management be initiated for incoming calls not yet initiated to the first mobile terminal; if said determining step determines that the request has been made, transmitting from the first mobile terminal a first control message representing an instruction to implement selectable acceptance of future incoming calls to the first mobile terminal [Subscriber Activates call monitoring service: 0005-0007 & 0041-0043] [Figure 2 & 3],

where selectable acceptance includes storing at the communication application server an initial voice message associated with an incoming call to the first mobile terminal [storing recorded voice message at voice message in network based voice mail message system if determined that call monitoring service is activated: 0007, 0049-0054] and not transmitting the stored initial voice message to the first mobile terminal from the communication application server during a real-time communication Session only upon the communication application server receiving a playback signal from the first mobile terminal where the playback signal is distinct from another signal generated by the first mobile terminal

upon a depression of a push-to-talk button on the first mobile terminal [recorded voice mail message is transmitted only if subscriber answer the call initiated from the network device by answering the call or listen only mode: 0012-0014 & 0053].

Simpson does not disclose Push-to-talk (PTT) wireless mobile terminal. Dahod discloses Push-to-talk (PTT) wireless mobile terminal and a voice mail messaging system [See background, summary & Figures] for storing initial voice message of a caller in the voice mail system if the receiving user of the PTT mobile terminal does not answer the PTT call [0036, 0037, 0044] in PTT mode. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify wireless terminal as taught by Simpson to provide PTT functionality as a feature of the wireless phones. One of ordinary skill in the art at the time of invention of made would

have been motivated to do this to provide half-duplex communication in wireless system for user convenient in exchanging brief communications.

1.2 Claim 7 is rejected for the same reason as claim 1 because executing steps in Claim 7 is substantially close to corresponding method steps of Claim 1. It is obvious to one of ordinary skill in the art that the device and the method as modified would have been implemented with claimed means as cited in Claim 7.

1.3 Claims 2 & 8 are rejected for the same reason as stated above in Claim 1 & 7 rejection because Simpson teaches distinctive ringing method to alert the user that incoming call is related to call monitoring service [Simpson: 0055]. Therefore, it is obvious that modified device and method teaches as claimed.

1.4 Claims 3 & 9 are rejected for the same reason as stated above in Claim 2 & 8 rejection because Simpson teaches that recorded voice mail message is transmitted only if subscriber answer the call initiated from the network device following distinctive ringing alert by answering the call: 0012-0014 & 0053] [Also see listen only mode]. Therefore, it is obvious that modified device and method teaches as claimed.

1.5 Claims 4 & 10 are rejected for the same reason as stated above in Claim 3 & 9 rejection. According to the teaching of Simpson, the caller was not notified that called party is listening to the recorded voice message prior to determining whether to accept

the call from the caller. Therefore, it is obvious to one of ordinary skill in the art that modified device and method teaches as claimed.

2. Claims 5 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US200401041593A1) in view of Dahod et al. US (US 20040224678A1), further in view of Elias (US20050089149A1).

2.1 Regarding Claims 5 & 11, the method as modified teaches transmitting control message to the communication server in response to user input (i.e., key input for accepting the call) [0053] but does not explicitly teach providing the caller the availability status of the user of the first mobile terminal.

Elias teaches incoming call treatment method comprising the method to provide the caller the availability status of the user of the called party as claimed (i.e., transmitting control message to play stored voice message inresponse to user key input: 0026-0028).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify incoming call treatment service as claimed by providing the status information of the called party as taught by Elias's method. One of ordinary skill in the art at the time of invention of made would have been motivated to do this to provide enhanced call notification service.

3. Claims 20, 22, 25, 30, 32, 35, 45 & 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US200401041593A1) in view of Elias (US20050089149A1).

3.1 Regarding Claim 20, Simpson discloses a method implemented by service control point (a communication application server) that processes communications among users in communication network comprising the steps of:

Receiving a first control message from a first mobile terminal where the first control message represents an instruction to initiate a process providing selectable acceptance of yet to be received incoming calls to the first mobile terminal; in response to the first control message, updating a stored presence state associated with the first mobile terminal to reflect that future incoming calls to the first mobile terminal will be processed in accordance with the selectable acceptance [Subscriber Activates call monitoring service: 0005-0007 & 0041-0043] [Figure 2 & 3] (It is obvious to one of ordinary skill in the art that updating step must be implemented in the Simpson call processing method because the service control point processes incoming calls based on subscriber activated call monitoring service: [Also see 0049-0053]);

Receiving, with selectable acceptance having been implemented by the first mobile terminal, an incoming call from a second mobile terminal for the first mobile terminal where a voice message from the second mobile terminal comprises part of the incoming call;

storing the voice message in memory; transmitting an incoming call alert message to

the first mobile terminal where the incoming call alert message does not contain the voice message [storing recorded voice message at voice message in network based voice mail message system if determined that call monitoring service is activated: 0007, 0049-0054] [Simpson also discloses distinctive ringing method to alert the user that incoming call is related to call monitoring service [Simpson: 0055];

Receiving a second control message from the first mobile terminal representing one of a first and second request, where the first request is to transmit the stored initial voice message to the first mobile terminal during a real-time communication session only upon receipt of the first request [recorded voice mail message is transmitted only if subscriber answer the call initiated from the network device by answering the call or listen only mode: 0012-0014 & 0053].

As cited, Simpson teaches transmitting control message to the communication server in response to user input (i.e., key input for accepting the call) [0053] but does not explicitly teach Push-to-talk communication network or Providing the caller the availability status of the user of the first mobile terminal.

Elias teaches incoming call treatment method comprising the method to provide the caller the availability status of the user of the called party as claimed (i.e., transmitting control message to play stored voice message in response to user key input: 0026-0028) via push-to-talk communication session [0029]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify incoming call treatment service as claimed by providing the status information of the called party as taught by Elias's method. One of ordinary skill in the

art at the time of invention of made would have been motivated to do this to provide enhanced call processing service.

3.2 Claim 30 is rejected for the same reason as stated above in claim 20 rejection because claimed executing steps are substantially read on corresponding step of Claim 20. It is obvious to one of ordinary skill in the art that service control point as modified would teach claimed communication server.

3.3 Claims 22, 25, 32 & 35 are rejected for the same reason as stated above in Claim 20 & 30 rejection. According to the teaching of Simpson, the caller was not notified that called party is listening to the recorded voice message prior to determining whether to accept the call from the caller. Therefore, it is obvious to one of ordinary skill in the art that modified device and method teaches as claimed.

3.4 Claims 45 & 46 are rejected for the same reason as stated above in Claims 20, 22, 25, 30, 32 & 35 rejections because claim limitations are substantially reads on corresponding limitations cited in Claims 20, 22, 25, 30, 32 & 35. One of ordinary skill in the art would realize that method and server as modified above would teach as cited in Claims 45 & 46.

4. Claims 24 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US200401041593A1) in view of Elias (US20050089149A1), further in view of Tuomela et al. (US20020077086A1).

4.1 Regarding Claim 24 & 34, Simpson teaches selective call screening associated with different caller or caller lists [see caller lists: 0046-0048] and updating called party status. The modified method and system does not explicitly teach displaying status icon on the caller mobile device.

Tuomela teaches user enters context information and activates context-related answering service [0039] and also to have the context information to be displayed on recipient's mobile device [Displaying context information: 0053].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify as claimed as taught by Tuomela for processing calls based on updated presence state and for displaying the updated state on other mobile terminals. One of ordinary skill in the art at the time of invention of made would have been motivated to do this to avoid unnecessary voice call to reserve communication resources.

5. Claims 26, 27, 36 & 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US200401041593A1) in view of Elias (US20050089149A1), further in view of Moss et al. (US007010113B2).

5.1 Regarding Claims 26, 27, 36 & 37, modified method and system teaches as claimed in Claims 20 & 30 but does not explicitly teach aborting the call processing after

timeout although such feature is very well known to one of ordinary skill in the art and the feature is expected to be implemented in the call processing system.
Moss discloses call processing system wherein the communication is terminated after predetermined unanswered call period [414: Figure 4]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify as claimed with the teaching of Moss's system and method to efficiently process the calls and manage the communication resources.

6. Claims 28, 29, 38 & 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US200401041593A1) in view of Elias (US20050089149A1), further in view of Moss et al. (US007010113B2) and Dahod et al. (US20040224678A1).

6.1 Regarding Claims 28, 29, 38 & 39, modified method and system teaches as claimed in Claims 27 & 29 and retrieving voice message upon answering the call but does not explicitly teach deleting stored voice message. Dahod discloses voice message processing method in which the call session is aborted and the voice message is deleted if the recipient does not answer the call [0044].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify as claimed with the teaching of Dahod's method to enhance call-processing method.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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